

REMARKS

The Applicant does not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicant, respectfully, requests that the foregoing amendment be entered and that the claims to the present application, kindly, be reconsidered.

The Advisory Action dated October 4, 2004 has been received and considered by the Applicant. Claims 1-15 are pending in the present application for invention. The Advisory Action affirmed the rejection to Claims 1-5, 7-11, and 13-15 and the objection to Claims 6 and 12 as being dependent upon a rejected base claim. The foregoing amendment to the claims has added new Claims 16-20.

The Advisory Action dated October 4, 2004 affirmed the rejection of Claims 1, 3-5, 7-11, 13, and 14-15 under the provisions of 35 U.S.C. §102(b), as being anticipated by U.S. Patent No. 4,561,082 issued to Gerard, et al. (hereinafter referred to as Gerard et al.). The Examiner states that Gerard et al. disclose all the elements of the recited elements of rejected claim s including the sample signal causing the measurement signal to be sampled either at locations having mutually the same intensity level or within a predetermined period of time. The Examiner cites: column 8, line 41-column 9, line 27; column 11, lines 29-63; as well as Figures 2, 3, 4 and 5 for support of the assertion that Gerard et al. disclose the sample signal causes the measurement signal to be sampled either at locations having mutually the same intensity level or within a predetermined period of time. The Applicant, as previously argued, does not concur that the above cited portion of Gerard et al. either disclose, or suggest, the sample signal causing the measurement signal to be sampled within a predetermined period of time. The Examiner's position is that the rejected claims alternatively cause the measurement signal to be sampled at a predetermined period of time or the measurement signal to be sampled at locations having mutually the same intensity level. Therefore, the claims have been amended to more clearly define the subject matter of the invention wherein the measurement signal is sampled (measured) at locations having mutually the same intensity level and wherein the measurement signal (FE) will be measured within a predetermined period of time. The Applicant, respectfully, submits that the foregoing amendment clearly distinguishes the present invention from the teachings of Gerard et al..

There is no mention within Gerard et al. for the measurement signal is to be sampled within a predetermined period of time. Therefore, Gerard et al. does not anticipate the claims.

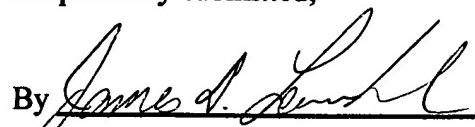
The Advisory Action affirms the rejection of Claim 2 under the provisions of 35 U.S.C. §103(a) as being unpatentable over Gerard et al. in view of U.S. Patent No. 5,636,197 issued to Tateishi (hereinafter referred to as Tateishi). The Examiner states that Gerard et al. disclose all the elements recite by the rejected claims except Claim 2. The Advisory Action states that column 3, lines 22-46 of Tateishi disclose measuring the time during which the measurement signal is held and means for causing the measurement signal to be sampled when the time exceeds a predetermined value. The Applicant, respectfully, disagrees with this assertion contained within the Advisory Action. Tateishi teaches preventing the provision of a sampling pulse for a given time duration. Tateishi discloses that a sample pulse will not be generated if a predetermined time period has not yet expired (see column 3, lines 37-39 of Tateishi). Tateishi teaches the disabling of sampling pulses not the automatic generation of a sampling pulse after predetermined time periods. This fact is clearly evident in Tateishi on column 5, lines 16-30. The entire premise of the time duration as taught by Tateishi is to prevent sampling pulses when the run length is shorter than a predetermined time length. This premise of Tateishi is also clearly evident in column 6, lines 40-64 and specifically stated in the Abstract. The entire premise of the time duration as taught by Tateishi is to prevent sampling pulses for at least a predetermined time period which the opposite of the subject matter defined by rejected Claim 2. Therefore, this rejection is, respectfully, traversed.

New Claims16-20 have been added by the foregoing amendment. New Claims16-20 define subject matter that is described in the specification to the present invention on page 2-5, therefore, entry of new Claims16-20 will not result in the introduction of new matter into the present application for invention. New Claims16-20 define subject matter that is not disclosed or suggested by the cited references. Accordingly, new Claims16-20 are believed to be allowable.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

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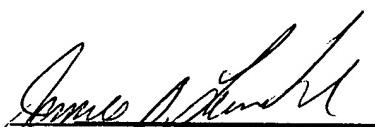
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